

**THE MINUTES OF THE HOUSE STANDING COMMITTEE  
ON  
JUDICIARY**

**Wednesday, November 9, 2005**

**10:30 a.m.**

**Room 308 House Office Building**

---

The House Standing Committee on Judiciary was called to order by **Representative William Van Regenmorter**, Chair.

**MEMBERS PRESENT:** Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith.

**MEMBERS ABSENT/EXCUSED:** Representative McConico.

**Representative Newell** moved to adopt the minutes of the **November 1, 2005** meeting. The motion was supported by **Representative David Law**. There being no objection, the motion prevailed by unanimous consent.

**Chairman Van Regenmorter** laid **SB 444** before the committee:

SB 444	McManus	Crimes; other; prohibition on sale or possession of police badges; expand to include logos, service marks, patches, and uniforms of law enforcement agencies, and revise penalties.
--------	---------	---

**TESTIMONY**

**Angel Sorrell**, from Senator McManus' office, testified in support of the bill.

**Michael McCabe**, Undersheriff of the Oakland County Sheriff's Department, testified in support of the bill.

**Andrew Richner**, representing the Michigan Professional Bail Agents Association, testified in support of the bill with an amendment.

**Matthew Maddock**, representing the Michigan Professional Bail Agents Association, testified in support of the bill with an amendment.

**Phil Hoffman**, representing the Michigan Sherriffs' Association, testified in support of the bill in concept.

**Brett Henderson**, representing the Deputy Sherriff's Association of Michigan, submitted a card in support of the bill and did not wish to speak.

**Derek Dalling**, representing Michigan Court Officers, Deputy Sheriffs, and Process Servers, submitted a card in support of the bill and did not wish to speak.

**Chairman Van Regenmorter** offered the following amendments:

1. Amend page 2, line 19, after “**BOTH.**” by inserting “**A CHARGE UNDER OR A CONVICTION OR PUNISHMENT FOR A VIOLATION OF THIS SECTION DOES NOT PREVENT A PERSON FROM BEING CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW ARISING FROM THE SAME TRANSACTION.**”.

2. Amend page 3, line 11, after “**BOTH.**” by inserting “**A CHARGE UNDER OR A CONVICTION OR PUNISHMENT FOR A VIOLATION OF THIS SECTION DOES NOT PREVENT A PERSON FROM BEING CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW ARISING FROM THE SAME TRANSACTION.**”.

3. Amend page 3, line 19, after “**GOVERNMENT.**” by inserting “**HOWEVER, LAW ENFORCEMENT IDENTIFICATION DOES NOT INCLUDE “BAIL AGENT” OR “BONDSMAN” WHEN USED BY A BAIL AGENT OR BONDSMAN OPERATING IN ACCORDANCE WITH SECTION 167B.**”.

4. Amend page 3, following line 19, by inserting:  
“Enacting section 1. This amendatory act takes effect January 1, 2006.”.

**Representative David Law** moved to adopt the amendments. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Representative David Law** moved to report **SB 444** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Chairman Van Regenmorter** laid **HB 5374** before the committee:

HB 5374 Van Regenmorter Courts; judges; number of judgeships in various circuits and districts; revise.

**TESTIMONY**

**Representative Casperson**, representing the 108<sup>th</sup> District, testified in opposition to the bill.

**Chief Justice Mary Barglino**, representing the 41<sup>st</sup> District Court, testified in opposition to the bill.

**Judge Brouillette**, representing the 41<sup>st</sup> District Court, testified in opposition to the bill.

**Representative Kahn**, representing the 94<sup>th</sup> District, testified in opposition to the bill.

**Chairman Van Regenmorter** laid **HB 5375** before the committee:

HB 5375 Newell                      Torts; immunity; retired physicians providing volunteer health care for medically indigent individuals; provide immunity for.

**TESTIMONY**

**Representative Newell**, sponsor of HB 5375, explained his bill to the committee.

**Colin Ford**, representing the Michigan State Medical Society, submitted a card in support of the bill and did not wish to speak.

**Felicia Wasson**, representing Ascension Health Government Affairs, submitted a card in support of the bill and did not wish to speak.

**Doug Borruso**, representing the Michigan Osteopathic Association, submitted a card in support of the bill and did not wish to speak.

**Curtis Hertel, Jr.**, representing the Michigan Department of Community Health, submitted a card indicating neutrality on the bill and did not wish to speak.

**Chairman Van Regenmorter** laid **HB 4721** before the committee:

HB 4721 Vander Veen              Criminal procedure; sex offender registration; notification by e-mail to certain individuals when a registered sex offender relocates into a zip code; require.

**TESTIMONY**

**Representative Vander Veen**, sponsor of HB 4721, explained her bill to the committee.

**Chairman Van Regenmorter** laid **HB 5397** before the committee:

HB 5397 Gaffney                      Crimes; penalties; student safety zone violations; clarify prerequisite for second or subsequent violation.

**Representative Rocca** moved to report **HB 5397** with recommendation. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **12-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini and Bieda,  
Nays: None,  
Pass: None.

The committee returned to the consideration of **HB 5375**.

**Representative Rocca** moved to report **HB 5375** with recommendation. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **12-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini and Bieda,  
Nays: None,  
Pass: None.

The committee returned to the consideration of **HB 4721**.

**Representative Elsenheimer** moved to reconsider the vote by which the committee adopted the amendment offered previously on May 11, 2005, by **Representative Jones**. The motion was supported by **Representative Nofs**.

The motion prevailed by a vote of **12-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini and Bieda,  
Nays: None,  
Pass: None.

The question being on the adoption of the amendment offered previously by **Representative Jones**. The motion did not prevail by a vote of **0-12-0**.

**UNFAVORABLE ROLL CALL:**

Yeas: None,  
Nays: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini and Bieda,  
Pass: None.

**Chairman Van Regenmorter** offered the following amendment to **HB 4721**:

1. Amend page 2, following line 26, by inserting:  
"Enacting section 1. This amendatory act takes effect January 1, 2007."

**Representative Bieda** moved to adopt the amendment. The motion was supported by **Representative Condino**.

The motion prevailed by a vote of **12-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

**Representative Stakoe** moved to report **HB 4721** with recommendation, as substitute (**H-2**). The motion was supported by **Representative Rocca**.

The motion prevailed by a vote of **12-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

**Representative Bieda** moved to excuse **Representative McConico** from committee. The motion was supported by **Representative Condino**. There being no objection, the motion prevailed by unanimous consent.

There being no further business to come before the committee, the Chair adjourned the meeting at 12:09 p.m.

---

**Representative William Van Regenmorter, Chair**  
**House Standing Committee on Judiciary**

Malika Abdur-Rashid

Committee Clerk

517-373-7256

1 Hour 39 minutes